

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Kevin A. Ashby,

CIVIL NO. 08cv4553 MJD/JJK

Petitioner,

v.

ORDER

Park Nicollet Health Services,  
and WPS Health Insurance,

Respondent.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Jeffrey J. Keyes dated August 26, 2008. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, upon all of the files, records and proceedings herein, the Court now makes and enters the following Order.

IT IS HEREBY ORDERED that:

1. Plaintiff's "Application to Proceed Without Prepayment of Fees," (Docket No. 2), is DENIED;
2. This action is DISMISSED pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

Dated: September 29, 2008

s/Michael J. Davis  
MICHAEL J. DAVIS  
Chief Judge  
United States District Court